

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 18-11373-RGS

LEE P. UNITT

v.

DANIEL BENNETT, et al.

ORDER

September 21, 2018

STEARNS, D.J.

*Pro se* plaintiff Lee Unitt, who is incarcerated at MCI Framingham, currently has two cases pending in this Court: *Unitt v. Bennett*, C.A. No. 17-11468- (D. Mass) (“*Unitt I*”), and the present action, *Unitt v. Bennett*, C.A. No. 18-11373-RGS (D. Mass.) (“*Unitt II*”). On June 16, 2018, Unitt filed a Proposed Amended Complaint in *Unitt I*, Dkt. #21. Upon review of the Proposed Amended Complaint, the court concluded that the scope of the claims in the proposed pleading violated procedural rules limiting the joinder of claims and parties. *See* Fed. R. Civ. P. 17, 18. On June 28, 2018, the court issued an order in *Unitt I*, Dkt. #28, requiring that claims concerning air quality, air temperature, ventilation, contaminants, toxic substances, and overcrowding at MCI Framingham be severed from *Unitt I*

and opened in a separate case. *Unitt II* was commenced when the Clerk assigned a docket number to the new claims. Per order of the court, the Proposed Amended Complaint in *Unitt I* was docketed as the Complaint in *Unitt II*, and the defendants identified in paragraphs 3-11 of the Proposed Amended Complaint were designated as the defendants in *Unitt II*. Unitt subsequently paid the \$400 filing fee for *Unitt II*.

Accordingly:

1. The Clerk shall issue summonses as to all *Unitt II* defendants. Unitt is responsible for serving a copy of the summons, Complaint, and this Order on each of the defendants in accordance with Rule 4 of the Civil Rules of Civil Procedure. Failure to complete service within 90 days of the date of this Order may result in dismissal, without prior notice to the plaintiff, of any defendant who has not be timely served. See Fed. R. Civ. P. 4(m); Local Rule 4.1 (D. Mass.).

2. This action, *Unitt II*, is limited to claims concerning air quality, air temperature, ventilation, contaminants, toxic substances, and overcrowding at MCI Framingham. Claims regarding medical care, the use of excessive force, and any claims under the Americans with Disabilities Act are the purview of *Unitt I*. Resultantly, paragraphs 12-28 and 104-171 of the Complaint shall be deemed stricken from the pleading.

**SO ORDERED.**

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE